

ASSEMBLY BILL

No. 1252

Introduced by Assembly Member Wildman

February 26, 1999

An act to amend Section 130 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1252, as introduced, Wildman. Workers' compensation: doctors of podiatric medicine.

Existing law requires the Industrial Medical Council to consist of 9 doctors of medicine, 2 doctors of osteopathic medicine, 2 doctors of chiropractic medicine, one physical therapist, and one doctor of psychology.

This bill would additionally require that a doctor of podiatric medicine serve on the council.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 139 of the Labor Code is
2 amended to read:

3 139. (a) The Industrial Medical Council shall consist
4 of nine doctors of medicine, at least one of whom shall be
5 a psychiatrist and at least one of whom shall specialize in
6 occupational medicine, two doctors of osteopathic
7 medicine, two doctors of chiropractic, one physical
8 therapist, ~~and~~ one doctor of psychology, *and one doctor*

1 *of podiatric medicine*, all of whom shall be licensed to
2 practice in this state, and one medical economist. The
3 administrative director shall be an ex officio, nonvoting
4 member of the council, and the medical director
5 appointed pursuant to Section 122; shall serve as
6 executive secretary of the council.

7 (b) The Governor shall appoint four doctors of
8 medicine, two doctors of osteopathic medicine, one
9 doctor of chiropractic ~~to the council~~, and one medical
10 economist *to the council*. The Senate Committee on
11 Rules shall appoint three doctors of medicine, one of
12 whom shall be a psychiatrist, and ~~the one~~ doctor of
13 chiropractic. The Speaker of the Assembly shall appoint
14 two doctors of medicine, one of whom shall be an
15 occupational medicine specialist, one physical therapist,
16 ~~and the doctor of psychology, and the doctor of podiatric~~
17 *medicine*.

18 The term of office of members of the council shall be
19 four years, and a member shall hold office until the
20 appointment of a successor. However, the initial terms of
21 three of the doctors of medicine appointed by the
22 Governor shall expire, respectively, on December 31,
23 1991, December 31, 1992, and December 31, 1993, and the
24 initial terms of the doctors of medicine appointed by the
25 Speaker of the Assembly shall expire, respectively, on
26 December 31, 1991, December 31, 1992, and December
27 31, 1993. The initial term of one doctor of osteopathic
28 medicine and the doctor of psychology shall both expire
29 on December 31, 1991. Any vacancy shall be filled by the
30 original appointing authority for the unexpired term.

31 (c) The nine doctors of medicine and the doctors of
32 osteopathic medicine of the council shall represent
33 medical specialties concerned with the treatment of
34 industrial injury and disease. The doctors of medicine
35 shall be appointed after consultation with the statewide
36 and local associations of the medical profession. The
37 doctors of osteopathic medicine ~~and~~, psychology, *and*
38 *podiatric medicine* shall be appointed after consultation
39 with the statewide associations of the osteopathic medical
40 profession ~~and~~, psychologists, *and podiatric medicine*.

1 The doctors of chiropractic shall be appointed after
2 consultation with statewide and local associations of the
3 chiropractic profession.

4 (d) Any physician of a type which must be
5 represented pursuant to subdivision (a) may be
6 considered for appointment to the council if the following
7 qualifications are met:

8 (1) A physician and surgeon shall be board certified in
9 his or her specialty or, if a doctor of chiropractic, shall be
10 certified in a chiropractic specialty recognized and
11 approved by the California Chiropractic Association, the
12 International Chiropractors Association of California, or
13 the American Chiropractic Association, or if a
14 psychologist, shall be board certified in clinical
15 psychology, or hold a doctoral degree in psychology from
16 an accredited university or professional school and have
17 not less than five years' postdoctoral experience in the
18 diagnosis and treatment of emotional and mental
19 disorders.

20 (2) The physician *and podiatrist* shall be experienced
21 in treating and evaluating industrial injuries and shall
22 maintain an active practice, of which at least one-third of
23 the total practice time is devoted to direct patient
24 treatment.

25 (e) Members of the council shall, within the scope of
26 each member's professional training, do all of the
27 following:

28 (1) Maintain liaisons with the medical, osteopathic,
29 chiropractic, ~~and~~ psychological, *and podiatric*
30 professions.

31 (2) Counsel and assist the administrative director and
32 perform other duties as the administrative director may
33 request.

34 (3) Assist in recruiting physicians for the medical
35 bureau of the division.

36 (4) Assist in developing guidelines for the
37 determination of disputed questions of clinical fact,
38 including guidelines for the range of time normally
39 required to perform a comprehensive medical-legal
40 evaluation, as well as the content of those procedures. The

1 guidelines shall include the range of time normally
2 required for direct patient contact between the physician
3 and the patient in each such procedure.

4 (5) Suggest standards for improving care furnished to
5 injured employees.

6 (6) Undertake continuing studies of developments in
7 the field of rehabilitation, and continuously inform
8 treating physicians of these developments.

9 (7) Recommend reasonable levels of fees for
10 physicians performing services under Division 4
11 (commencing with Section 3200).

12 (8) In coordination with the administrative director,
13 monitor and measure changes in the cost and frequency
14 of the most common medical services, and adopt
15 guidelines for the treatment of common industrial
16 injuries on or before July 1, 1994. The guidelines shall
17 reflect practices as generally accepted by the health care
18 community, and shall apply the current standards of care,
19 including, but not limited to, appropriate and
20 inappropriate diagnostic techniques, treatment
21 modalities, adjustive modalities, length of treatment, and
22 appropriate specialty referrals. On or before July 1, 1994,
23 the administrative director shall adopt model utilization
24 protocols in order to provide utilization review standards.
25 All insurers shall comply with this protocol by July 1, 1995.

26 (9) In consultation with the administrative director,
27 promulgate a form which may be used by treating
28 physicians to report on medical issues necessary to
29 determine an employee's compensation.

30 (f) The council shall appoint an advisory committee
31 on psychiatric injuries with both psychologists and
32 psychiatrists as members and shall consider the advisory
33 committee's recommendations concerning psychiatric
34 injuries. The council may appoint advisory committees
35 for other specialties as may be necessary to the
36 performance of its duties.

37 (g) No action of the council shall be taken unless
38 concurred in by not less than nine members present and
39 voting at a meeting.

1 (h) Members of the council shall receive actual,
2 necessary traveling expenses and a per diem allowance of
3 one hundred dollars (\$100) for each day spent in
4 meetings of the council.

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